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## (Unlawful Debt Collection Practices)

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3 3. Defendant conducts business in the State of Oklahoma; therefore,  
4 personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

6  
7 **PARTIES**

8 5. Plaintiff is a natural person residing in Okarche, Oklahoma 73762, at  
9 the time of the alleged harassment.

10 6. Plaintiff is a “consumer” as that term is defined in 15 U.S.C. §  
11 1692a(3).

12 7. Defendant is a national debt collection company with its corporate  
13 headquarters located at 2591 North Dallas Parkway, Suite 300, Frisco, Texas  
14 75304.

15 8. Defendant collects, and attempts to collect, consumer debts incurred,  
16 or alleged to have been incurred, for personal, family or household purposes on  
17 behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

18 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §  
19 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

1           10. Defendant acted through its agents, employees, officers, members,  
2 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
3 representatives, and insurers.  
4

5  
6                                   **FACTUAL ALLEGATIONS**

7           11. At all relevant times, Defendant was attempting to collect an alleged  
8 consumer debt from Plaintiff.  
9

10          12. The alleged debt, medical bill, arose out of transactions, which were  
11 primarily for personal, family, or household purposes.  
12

13          13. Beginning in or around May 2013, and continuing through August  
14 2013, Defendant continuously and repeatedly contacted Plaintiff on her cellular  
15 telephone seeking and demanding payment of an alleged debt.  
16

17          14. When calling Plaintiff, Defendant identified itself, at times, as RCS  
18 Credit Solutions.  
19

20          15. Defendant published the phone number (214) 628-8511 on Plaintiff's  
21 caller id.  
22

23          16. The undersigned called (214) 628-8511 and confirmed that this  
24 number belongs to Defendant, Southwest Recovery Services.  
25

          17. Furthermore, when the undersigned called (214) 628-8511 outside  
normal business hours, a pre-recorded message is played identifying the company

1 as “RCS Credit Solutions.” The pre-recorded message gives the caller several  
2 options, including speaking with the processing department or a credit specialist;  
3 however, if the caller remains on the phone, another pre-recorded message is  
4 played identifying the company as “Southwest Recovery Services.”  
5

6 18. During the relevant period, Defendant called Plaintiff, on average, one  
7 (1) to four (4) times a day, causing Plaintiff to receive more than ten (10)  
8 collection calls a week.  
9

10 19. Upon information and belief, Defendant called Plaintiff on a repetitive  
11 and continuous basis with the intent of harassing Plaintiff into paying the alleged  
12 debt.  
13

14 20. In addition to the quantity of its calls, Defendant also used the content  
15 of its collection calls as a means to harass Plaintiff.  
16

17 21. For example, on at least one occasion, Defendant’s collectors  
18 threatened to report Plaintiff to the District Attorney if she did not pay the alleged  
19 debt.  
20

21 22. The failure to repay a medical bill is not a criminal offense in the State  
22 of Oklahoma.  
23

24 23. Upon information and belief, Defendant made the above threat  
25 seeking to take advantage of her lack of knowledge about such things to scare her

1 into paying the alleged debt, knowing Plaintiff had committed no crime and  
2 knowing that the District Attorney would have no interest in the situation.

3  
4 24. Further, Plaintiff understood that Defendant was implying that it was  
5 going to take legal action against her for the alleged unpaid debt.

6 25. At the time Defendant made this threat, it did not intend to take the  
7 action it threatened and legally could not take the action it threatened, as Plaintiff  
8 believes that this is a bill that should have been paid by her insurance company and  
9 she disputes owing the alleged debt.  
10

11 26. Upon information and belief, the statements by the collectors were  
12 made by laypersons who knew there was no intent to take any of the action  
13 threatened.  
14

15 27. Most recently, on August 6, 2013, at 10:12 a.m. Defendant contacted  
16 Plaintiff seeking and demanding payment of the alleged debt.  
17

18 28. Finally, within five (5) days of its initial communication with Plaintiff  
19 regarding the alleged debt, Defendant failed to send Plaintiff information regarding  
20 her rights to dispute the debt and/or request verification of the debt.

21 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION**  
22 **PRACTICES ACT**

23 29. In its actions to collect a disputed debt, Defendant violated the  
24 FDCPA in one or more of the following ways:  
25

**COUNT I**

- a. A debt collector violates § 1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. A debt collector violates § 1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- c. Here, Defendant violated §§ 1692d and 1692d(5) of the FDCPA by calling Plaintiff, on average, one (1) to four (4) times a day, causing her to receive more than ten (10) collection calls a week, with the intent of harassing Plaintiff into paying the alleged debt.

**COUNT II**

- a. A debt collector violates § 1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of any debt.
- b. A debt collector violates § 1692e(5) of the FDCPA by threatening to take any action that cannot legally be taken or that is not intended to be taken.

- 1 c. A debt collector violates § 1692e(7) of the FDCPA by falsely  
2 representing or implying that the consumer committed a crime  
3 or other conduct in order to disgrace the consumer.  
4
- 5 d. Section 1692e(10) of the FDCPA prohibits debt collectors from  
6 using any false representations or deceptive means to collect or  
7 attempt to collect any debt or to obtain information concerning  
8 a consumer.  
9
- 10 e. Here, Defendant violated §§ 1692e, 1692(5), 1692(7) and  
11 1692e(10) of the FDCPA when it threatened to report Plaintiff  
12 to the District Attorney's Office and implied that it would take  
13 legal action against Plaintiff, when it did not intend to take the  
14 action it threatened and did not have the legal authority to take  
15 the threatened action, as well as when it falsely stated that she  
16 owed a debt on a medical bill when such bill was, or should  
17 have been, paid by her health care insurance.  
18  
19

20 **COUNT III**

- 21 a. A debt collector violates §1692f of the FDCPA by using unfair  
22 or unconscionable means to collect or attempt to collect any  
23 debt.  
24
- 25 b. Here, Defendant violated § 1692f of the FDCPA by using a

1 name, "RCS Credit Solutions," as opposed to its true name  
2 when calling Plaintiff, which only served to confuse her as she  
3 did not understand the relationship between Defendant and  
4 RCS Credit Solutions, and other unfair and unconscionable  
5 actions it engaged in when attempting to collect a debt.  
6

7 **COUNT IV**  
8

- 9 a. A debt collector violates § 1692g(a) of the FDCPA by failing to  
10 send to the consumer, within five days after its initial  
11 communication with a consumer in connection with the  
12 collection of a debt, a written notice containing: (1) the amount  
13 of the debt; (2) the name of the creditor to whom the debt is  
14 owed; (3) a statement that unless the consumer, within thirty  
15 days after receipt of the notice, disputes the validity of the debt,  
16 or any portion thereof, the debt will be assumed to be valid by  
17 the debt collector; (4) a statement that if the consumer notifies  
18 the debt collector in writing within the thirty-day period that the  
19 debt, or any portion thereof, is disputed, the debt collector will  
20 obtain verification of the debt or a copy of a judgment against  
21 the consumer and a copy of such verification or judgment will  
22 be mailed to the consumer by the debt collector; and (5) a  
23  
24  
25



1 statement that, upon the consumer's written request within the  
2 thirty-day period, the debt collector will provide the consumer  
3 with the name and address of the original creditor, if different  
4 from the current creditor.  
5

- 6 b. Here, Defendant violated § 1692g of the FDCPA by failing to  
7 send written notification, within five (5) days after its initial  
8 communication with Plaintiff, advising Plaintiff of her rights to  
9 dispute the debt or request verification of the debt or providing  
10 her with the name of the original creditor and the amount of the  
11 debt.  
12

13  
14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff, JAMIE COPE, respectfully prays for a judgment  
16 as follows:

- 17 a. All actual damages suffered pursuant to 15 U.S.C. §  
18 1692k(a)(1);  
19  
20 b. Statutory damages of \$1,000.00 for the violation of the FDCPA  
21 pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
22  
23 c. All reasonable attorneys' fees, witness fees, court costs and other  
24 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §  
25 1693k(a)(3); and

1 d. Any other relief deemed appropriate by this Honorable Court.

2 **DEMAND FOR JURY TRIAL**

3 PLEASE TAKE NOTICE that Plaintiff, JAMIE COPE, demands a jury trial  
4  
5 in this case.

6  
7 RESPECTFULLY SUBMITTED,

8  
9 DATED: May 7, 2014

KIMMEL & SILVERMAN, P.C.

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